

Notice of Allowability	Application No.	Applicant(s)
	10/705,551	JOHANNSEN, THOR J.
	Examiner Terrell H. Matthews	Art Unit 3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 6/6/06
2. The allowed claim(s) is/are 1-15, 17, 19-24 and 27-30.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/26/04, 5/11/05, 9/23/05, 12/27/05
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION**EXAMINER'S AMENDMENT**

The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) a first wheel mounted at least partially within a tank adjacent the side wall to rotate about a first wheel axis that is titled at an angle relative to the horizontal reference and that is substantially perpendicular to the wall and a second wheel mounted at least partially within the tank adjacent the side wall and further from the first end than the first wheel to rotate about a second wheel axis that is tilted at an angle relative to a horizontal reference, the second wheel having a plurality of spaced apart radially extending scoops thereof for scooping up a second grade of solid material from within the tank and subsequently discharging the scooped solid material from the side wall to the outside of the tank during rotation.

Claim 27 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) first and second scoop wheels each having a plurality of scoops located about a periphery thereof and mounted to rotate about a scoop wheel axis that is tilted relative to the horizontal reference and wherein the second scoop wheel is rotated to scoop settled solid material of a second grade

from the tank and then subsequently discharge the scooped material from the first side of the second scoop wheel.

Claim 28 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) a first classifier stage for removing a first predetermined grad of solid material; (2) a second classifier stage for removing a second predetermined grade of solid material wherein the second wheel is rotatably mounted at least partially within the second tank for scooping up solid material and subsequently discharging the scooped solid material; (3) independently controllable drives for rotating the first and the second wheel at different speeds relative to each other, and a variable gate between the first and second tanks for controlling respective liquid-solid mixture levels therein.

Claims 29 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) a scoop wheel rotatably mounted within the tank to rotate about an axis that is substantially perpendicular to the sidewall portion and that is non-parallel to a horizontal reference and (2) the scoop wheel having a plurality of circumferentially spaced scoops, the scoops each having a substantially open end at the first side of the scoop wheel facing the sidewall portion and wherein the scoop wheels scoop particulate material from within the

tank as the scoop wheels rotates and subsequently discharge the particulate material over the discharge edge.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

THM



KATHY MATECKI
SUPERVISORY PATENT EXAMINER
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